

Before the Board of Zoning Adjustment, D.C.

PUBLIC HEARING -- April 17, 1968

Appeal NO. 9560-63 Harry F. Stimpson, Jr., appellant.

The Zoning Administrator of the District of Columbia, appellee.

On motion duly made, seconded and unanimously carried, the following Order was entered at the meeting of the Board on April 17, 1968.

EFFECTIVE DATE OF ORDER • June 17, 1968

ORDERED:

That the appeal to erect an apartment building with roof structures in accordance with Section 3308 of the Regulations and to permit SP office use of 20,000 square feet on the lower level of the building and for a variance from the setback requirements for roof structures under Section 4201.22 of the Regulations for the building located at the southeast corner of 13th Street and Massachusetts Avenue, NW., lots 24-30, 41, 809, 810, 816-818, 820 and 23, square 283, be granted.

From the records and evidence adduced at the public hearing, the Board finds the following facts:

[1] The proposed apartment building will contain 274 apartment units and 20,000 square feet of SP office space on a lower level of the building located in the L Street portion of the building. There will be provided 159 off-street parking spaces to serve both the residential and office space, 69 spaces being required for the apartment use and 10 spaces for the office use.

[2] The site contains a total area of 31,073 square feet. The total roof area of the building is 18,700 square feet. The roof structure will enclosed 3,780.00 square feet and will be less than the 0.25 FAR permitted by the Regulations. With the exception of the elevator penthouse the roof structure is set back from the exterior walls of the building a distance equal to the height that the roof structure extends above the permitted zoning height. The elevator penthouse exceeds by approximately 7 feet in height its setback from the 13th Street property line.

[3] The roof structure will contain cooling towers, mechanical equipment, elevator penthouse, incidental storage area, and toilets accessory to the swimming pool.

[4] The roof structure will be constructed of a material matching the facade of the main structure and will harmonize therewith in architectural character, material and color.

[5] The subject appeal was filed and heard under plan by Cooper and Auerbach, architects, drawings No. 7,12,13,14 and 15 approved as noted by Arthur P. Davis, architect-member of the Board, on May 2, 1968.

[6] Two conditions affect this specific piece of property, namely, its location on Massachusetts Avenue, NW. and its unusual shape and street frontages on Massachusetts Avenue, 13th Street and L Street.

[7] The site development plan proposed for the construction of the apartment building in recognition of the important location of the subject property imposes on the owner the practical difficulty of locating the roof structure in such a way as to provide for the one to one setback required by the Zoning Regulations.

[8] The proposed professional office use is in harmony with existing uses on neighboring and adjacent property and will not create dangerous or otherwise objectionable traffic conditions. The Department of Vehicles and Traffic has no objection to the granting of this appeal.

[9] No opposition to the granting of this appeal was registered at the public hearing.

OPINION:

The Board is of the opinion that the granting of the applicant's request to erect an apartment building with roof structures in accordance with Section 3308 of the Regulations to contain 20,000 square feet of SP office space on a lower level is in harmony with the general purpose and intent of the Zoning Regulations and maps and will not adversely affect the use of neighboring property. The practical difficulties imposed on the owner of this property because of its location and shape

can be relieved by varying the strict application of the Zoning Regulations to permit the elevator penthouse to exceed in height the setback requirements of the Regulations without substantial detriment to the public good and without impairing the intent, purpose and integrity of the zoned plan.

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED:

By: James E. Bess
JAMES E. BESS
Secretary of the Board